

106TH CONGRESS  
2D SESSION

# H. R. 5282

To establish a demonstration project to waive certain nurse training requirements for specially trained individuals who perform certain specific nursing-related tasks in Medicare and Medicaid nursing facilities.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2000

Mr. RYAN of Wisconsin introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a demonstration project to waive certain nurse training requirements for specially trained individuals who perform certain specific nursing-related tasks in Medicare and Medicaid nursing facilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare and Medicaid  
5 Nursing Services Quality Improvement Demonstration Act  
6 of 2000”.

1 **SEC. 2. DEMONSTRATION PROJECT TO WAIVE CERTAIN**  
2 **NURSE TRAINING REQUIREMENTS FOR SPE-**  
3 **CIALY TRAINED INDIVIDUALS WHO PER-**  
4 **FORM NURSING-RELATED TASKS IN MEDI-**  
5 **CARE AND MEDICAID NURSING FACILITIES.**

6 (a) **ESTABLISHMENT.**—The Secretary of Health and  
7 Human Services shall establish a five-year demonstration  
8 project under which, pursuant to subsection (c), nurse  
9 aide training requirements (as defined in subsection  
10 (g)(1)) are waived in up to five States in the case of spe-  
11 cially trained individuals with respect to specific nursing  
12 tasks (as defined in subsection (g)(2)).

13 (b) **STATE PARTICIPATION.**—

14 (1) **ELIGIBILITY.**—No State shall be eligible to  
15 participate in the project unless the State—

16 (A) submits, in a form and manner speci-  
17 fied by the Secretary, an application to partici-  
18 pate in the project; and

19 (B) agrees to collect, maintain, and submit  
20 such data as the Secretary deems necessary to  
21 complete the reports required by subsection (e).

22 (2) **PRIORITY STATES.**—The Secretary shall  
23 give priority for participation in the project—

24 (A) first, to any priority State described in  
25 subsection (g)(3)(A) that notifies the Secretary  
26 (not later than 90 days after the date of enact-

1           ment of this Act) of its intention to seek to par-  
2           ticipate in the project and submits a timely ap-  
3           plication to participate in the project; and

4                   (B) second, to any other priority State  
5           that so notifies the Secretary and submits such  
6           a timely application.

7           (c) TRAINING AND COMPETENCY REQUIREMENTS.—  
8   Under the project, an individual who does not meet nurse  
9   aide training requirements may perform a specific nursing  
10   task for a resident of a skilled nursing facility or a nursing  
11   facility covered under the medicare or medicaid program  
12   under title XVIII or XIX of the Social Security Act in  
13   a participating State if—

14           (1) the individual has successfully completed a  
15   training and competency evaluation program, devel-  
16   oped or approved by the State in which such facility  
17   operates in consultation with the Secretary, relating  
18   to the performance of such task;

19           (2) the individual is performing the task under  
20   the supervision of a registered professional nurse, li-  
21   censed practical nurse, or licensed vocational nurse;

22           (3) the resident does not have special needs re-  
23   lating to the performance of such task for which  
24   needs the individual has not received specific train-  
25   ing; and

1           (4) the individual complies with any limitations  
2           on performance of duties which may be established  
3           by the State in which such facility operates.

4           (d) MINIMUM STAFFING REQUIREMENTS NOT AF-  
5           FECTED.—Individuals performing a specific nursing task  
6           under the project shall not count toward any minimum  
7           nursing staffing requirements of section 1818 or 1919 of  
8           the Social Security Act (42 U.S.C. 1395i–3, 1396r).

9           (e) ANNUAL REPORT TO CONGRESS.—During the pe-  
10          riod of the project, the Secretary of Health and Human  
11          Services shall submit an annual report to the Congress  
12          providing an analysis comparing the well-being of resi-  
13          dents receiving specific nursing services performed by indi-  
14          viduals under the project with those receiving such serv-  
15          ices performed by nurse aides. Such analysis shall employ  
16          quality indicators determined by the Secretary, including  
17          (with regard to specific nursing tasks related to providing  
18          nutrition and hydration) nutrition and hydration levels,  
19          unplanned weight loss or gain, and number of citations  
20          for nutrition-related violations relating to such residents.

21          (f) TRANSITIONAL WAIVER.—The Secretary shall  
22          waive nurse aide training requirements for nursing facili-  
23          ties in a priority State in the same manner as under the  
24          project during the period beginning on the date of enact-  
25          ment of this Act and ending—

1           (1) in the case of a State which fails to submit  
2           a timely application for participation in the project,  
3           on the date such application is due; or

4           (2) in the case of a State which submits a time-  
5           ly application for participation in the project, the  
6           date on which the Secretary makes a final decision  
7           on the application.

8           (g) DEFINITIONS.—In this section:

9           (1) The term “nurse aide training require-  
10          ments” means the requirements of sections  
11          1819(b)(5)(F) and 1919(b)(5)(F) of the Social Se-  
12          curity Act (42 U.S.C. 1395i–3(b)(5)(F) and  
13          1396r(b)(5)(F)) relating to nurse aides.

14          (2) The term “nursing task” means a nursing  
15          or nursing-related service described in section  
16          1819(b)(5)(F) or 1919(b)(5)(F) of the Social Secu-  
17          rity Act (42 U.S.C. 1395i–3(b)(5)(F),  
18          1396r(b)(5)(F)).

19          (3) The term “priority State” means—

20                (A) Wisconsin, New York, North Dakota,  
21                Minnesota, and Delaware; and

22                (B) any other State which, as of the date  
23                of enactment of this Act, has established a  
24                project, program, or policy to permit individuals  
25                who do not meet nurse aide training require-

1           ments to perform one or more specific nursing  
2           tasks.

3           (4) The term “project” means the demonstra-  
4           tion project established in this section.

5           (5) The term “Secretary” means the Secretary  
6           of Health and Human Services.

7           (6) The term “State” has the meaning given  
8           such term for purposes of title XIX of the Social Se-  
9           curity Act.

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